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ATTORNEY FOR DEFENDANT
JAVIER JIMENEZ GOMEZ

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CR.NO.S-03-082-EJG
PLAINTIFF,)	STIPULATION AND
v.)	ORDER TO CONTINUE STATUS
JAVIER JIMENEZ GOMEZ, et al.,)	CONFERENCE TO
DEFENDANTS.)	NOVEMBER 16, 2007

Plaintiff, the United States of America, by its counsel, Assistant United States Attorney, Ms. Mary Grad, and defendant, JAIVER JIMENEZ GOMEZ, represented by Mr. James R. Greiner, hereby stipulate and agree that the status conference calendared for Friday, October 12, 2007, at 10:00 a.m., before the Honorable Senior District Court Judge, Edward J. Garcia, shall be continued to Friday, November 16, 2007, at 10:00 a.m..

Colleen Lydon, the Court's deputy clerk, was contacted by counsel to check the proposed date and the date of Friday, November 16, 2007, was open and available for the Court for a further status hearing date. No trial date has been set. The defendant is in custody.

SPEEDY TRIAL ACT-EXCLUSION OF TIME

The parties agree and stipulate the Court can find an exclusion of time from the Speedy Trial Act, Title 18 U.S.C section 3161, et seq., based on the needs of counsel to prepare pursuant to Title 18 U.S.C. section 3161(h)(8)(B)(iv) and Local Code T-4; the parties stipulate and agree that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendants in a speedy trial, Title 18 U.S.C. § 3161(h)(8)(A); the parties agree and stipulate that the case, based upon the amount of discovery including but not limited to the wire taps and volume of tape recordings, is complex within the meaning of Title 18 U.S.C. section 3161(h)(8)(B)(ii), for the following factual reasons:

1-The government has provided to defense counsel over 700 pages of hard discovery and 2 CD discs which are the wire tap interceptions which from the brief over view by defense counsel has easily over 1,000 telephone conversations on each of the CD's and each telephone conversation recording is of varying time durations. The hard copy discovery needs to be reviewed and reviewed with the client and each of the CD's that appears to have easily over 1,000 telephone calls on each CD needs to be reviewed and reviewed with the client.

The review of this massive amount of documentation is continuing and the additional time is needed to continue to review this material and to review this material with the client. In addition, the additional time is needed by the defense to get a general broad handle on the potential issues in this case so that a plan of investigation can be reasonably formulated. The review of this material is on-going and time consuming. It is taking counsel longer than first anticipated to review all of the thousands of telephone calls on the CD. Defense counsel is working diligently in the reviewing of this material. The defendant is in custody in the Sacramento County Jail.

1 2- The government and the defense have been in plea negotiations over many
2 weeks. The government has provided additional discovery throughout this time
3 period, and even yesterday provided additional discovery. The additional discovery
4 has and is being reviewed with the defendant as it is being produced by the
5 government.

6 3-The defendant has been in consultation with all but one or two of his family
7 members to discuss the decision facing the defendant. With the government providing
8 additional discovery, with the defendant attempting to communicate with all of his
9 family members, the additional short time of the continuance will allow for this to
10 happen.

11 4- The government and the defense have been mutually attempting in good
12 faith to reach agreements on sentencing issues so as to resolve this matter short of
13 trial. This additional short continuance will allow the on going negotiations in good
14 faith to continue.

15 5- The defense is requesting this additional time to do the investigation that has
16 arisen in the good faith negotiations with the government in an attempt to resolve this
17 case short of trial. To allow the defendant to make an informed, intelligent and
18 knowing decision whether to enter into a plea with the government or not, the defense
19 needs to investigate the issues surrounding immigration. Some of those issues are: A-
20 what is the defendant's true immigration status; B- what, if any, effect does a plea of
21 guilty to the government's offer have on the defendant's immigration status; C-what
22 legal options are available to the defendant in negotiating a plea with the government;
23 D-what other potential options does the defendant have regarding immigration.

STATUS OF THE CASE

This case was originally filed by the government on February 20, 2003. At that time the Indictment named nine (9) defendants, JAVIER GOMEZ being one of the nine named. (See Docket Entry # 1)

Six of the named defendants have pled guilty: 1-Marcos Gonzales on April 14, 2003 (See Docket Entries 30, 31, 32); 2- John Cabales on April 25, 2003 (See Docket Entries 34, 35); 3-Javier Campos on May 30, 2003 (See Docket Entries 46, 47); 4- Jorge Ramos on July 14, 2003 (See Docket Entries 54, 55, 56); 5- Heriberto Ramos on September 2, 2003 (See Docket Entries 67, 68, 69, 70); 6- Andres Lugo on January 27, 2006 (See Docket Entries 112, 113).

The government has dismissed against two defendants: 1-Ronnie Belasco, Jr., on August 4, 2003 (See Docket Entry 61); 2- Jose Jesus Pimentel Gallegos (See Docket Entries 141, 142).

The one defendant remaining is Javier Jimenez Gomez. This defendant first appeared on September 22, 2006. (See Docket Entry 118).

Since that time the Court has found excludable time under the Speedy Trial Act due to the enormity of discovery and the need for counsel to review the discovery and hold meaningful discussions with the defendant about the discovery in this case. The Court has weighted and balanced the needs of the government, the needs of society and the needs of the defendant and his counsel and taking the case as a whole into consideration the Court has found that the requests have been reasonable and necessary to allow for effective preparation in the exercise of due diligence. (See Docket Entries 122, 124, 127, 130, 131, 132, 135, 137, 139, and 140)

Finally, James R. Greiner has been authorized by counsel for the government via telephone conference to sign this stipulation on her behalf.

Respectfully submitted,

McGREGOR W. SCOTT
UNITED STATES ATTORNEY

DATED: 10-3-07

/s/ MARY GRAD authorized by telephone

MARY GRAD
ASSISTANT UNITED STATES ATTORNEY
ATTORNEYS FOR THE PLAINTIFF

DATED: 10-3-07

/s/ JAMES R. GREINER

JAMES R. GREINER
ATTORNEY FOR DEFENDANT
JAVIER JIMENEZ GOMEZ

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

DATED: October __4__, 2007.

_/s/ Edward J. Garcia

EDWARD J. GARCIA

**SENIOR UNITED STATES
DISTRICT COURT JUDGE**